



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2016 REGULAR SESSION

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SENATE BILL NO. 43

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WEDNESDAY, FEBRUARY 24, 2016

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The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED  
DATE April 1, 2016  
1:39pm  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adler

1 AN ACT relating to emergency medical services.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔ Section 1. KRS 61.315 is amended to read as follows:

4 (1) As used in this section:~~[-]~~

5 **(a)** "Police officer" means every paid police officer, sheriff, or deputy sheriff,  
6 corrections employee with the power of a peace officer pursuant to KRS  
7 196.037, any metropolitan or urban-county correctional officer with the power  
8 of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any  
9 auxiliary police officer appointed pursuant to KRS 95.445, any police officer  
10 of a public institution of postsecondary education appointed pursuant to KRS  
11 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087  
12 and 83A.088, elected to office, or employed by any county, airport board  
13 created pursuant to KRS Chapter 183, city, or by the state;

14 **(b)** "Firefighter" means every paid firefighter or volunteer firefighter who is  
15 employed by or volunteers his or her services to the state, airport board  
16 created pursuant to KRS Chapter 183, any county, city, fire district, or any  
17 other organized fire department recognized, pursuant to KRS 95A.262, as a  
18 fire department operated and maintained on a nonprofit basis in the interest of  
19 the health and safety of the inhabitants of the Commonwealth and shall  
20 include qualified civilian firefighters employed at Kentucky-based military  
21 installations; **and**

22 **(c) "Emergency medical services personnel" means any paid or volunteer**  
23 **emergency medical services personnel who is certified or licensed pursuant**  
24 **to KRS Chapter 311A and who is employed directly by, or volunteering**  
25 **directly for, any:**

26 **1. County;**

27 **2. City;**

1           3. Fire protection district created under KRS 75.010 to 75.260; or

2           4. Emergency ambulance service district created under KRS 108.080 to  
 3           108.180;

4           to provide emergency medical services.

- 5       (2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with  
 6       the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-  
 7       county correctional officer with the power of a peace officer pursuant to KRS  
 8       446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant  
 9       to KRS 95.445, any police officer of a public institution of postsecondary education  
 10      appointed pursuant to KRS 164.950, or any citation or safety officer appointed  
 11      pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky  
 12      National Guard on state active duty pursuant to KRS 38.030, or a member of a state  
 13      National Guard or a Reserve component on federal active duty under Title 10 or 32  
 14      of the United States Code who names Kentucky as home of record for military  
 15      purposes, whose death occurs on or after July 1, 2002, as a direct result of an act in  
 16      the line of duty shall receive a lump-sum payment of eighty thousand dollars  
 17      (\$80,000) if there are no surviving children, which sum shall be paid by the State  
 18      Treasurer from the general[~~expenditure~~] fund of the State Treasury. The spouse of  
 19      any emergency medical services personnel whose death occurs on or after  
 20      November 1, 2015, as a direct result of an act in the line of duty shall receive a  
 21      lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving  
 22      children, which sum shall be paid by the State Treasurer from the general fund  
 23      of the State Treasury. If there are surviving children and a surviving spouse, the  
 24      payment shall be apportioned equally among the surviving children and the spouse.  
 25      If there is no surviving spouse, the payment shall be made to the surviving children,  
 26      eighteen (18) or more years of age. For surviving children less than eighteen (18)  
 27      years of age, the State Treasurer shall:

- 1 (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and  
2 (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts  
3 at appropriate interest rates for each surviving child until the child reaches the  
4 age of eighteen (18) years.

5 If a child dies before reaching the age of eighteen (18) years, his or her account shall  
6 be paid to his or her estate. If there are no surviving children, the payment shall be  
7 made to any parents of the deceased.

8 (3) The Commission on Fire Protection Personnel Standards and Education shall be  
9 authorized to promulgate administrative regulations establishing criteria and  
10 procedures applicable to the administration of this section as it pertains to both paid  
11 and volunteer firefighters, including but not limited to defining when a firefighter  
12 has died in line of duty. Administrative hearings promulgated by administrative  
13 regulation under authority of this subsection shall be conducted in accordance with  
14 KRS Chapter 13B.

15 (4) The Justice and Public Safety Cabinet may promulgate administrative regulations  
16 establishing criteria and procedures applicable to the administration of this section  
17 as it pertains to police officers, any metropolitan or urban-county correctional  
18 officers with the power of a peace officer pursuant to KRS 446.010, or any jailers or  
19 deputy jailers, including but not limited to defining when one has died in line of  
20 duty. Administrative hearings promulgated by administrative regulation under  
21 authority of this subsection shall be conducted in accordance with KRS Chapter  
22 13B.

23 (5) The Department of Corrections shall promulgate administrative regulations  
24 establishing the criteria and procedures applicable to the administration of this  
25 section as it pertains to correctional employees, including but not limited to defining  
26 which employees qualify for coverage and which circumstances constitute death in  
27 the line of duty.

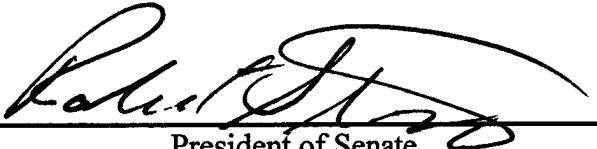
(6) The Kentucky Board of Emergency Medical Services shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to emergency medical services personnel, including but not limited to which employees or volunteers qualify for coverage and which circumstances constitute death in the line of duty.

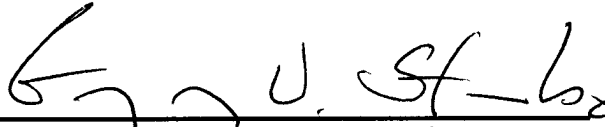
(7) The estate of anyone whose spouse or surviving children would be eligible for benefits under subsection (2) of this section, and the estate of any regular member of the United States Armed Forces who names Kentucky as home of record for military purposes whose death occurs as a direct result of an act in the line of duty, shall be exempt from all probate fees, including but not limited to those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.

~~(8)~~~~(7)~~ The benefits payable under this section shall be in addition to any benefits now or hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's, emergency medical services personnel, or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.

~~(9)~~~~(8)~~ Any funds appropriated for the purpose of paying the death benefits described in subsection (2) of this section shall be allotted to a self-insuring account. These funds shall not be used for the purpose of purchasing insurance.

➔Section 2. This Act may be cited as the John Mackey Memorial Act.

  
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President of Senate

  
\_\_\_\_\_  
Speaker-House of Representatives

Attest:   
\_\_\_\_\_  
Chief Clerk of Senate

Approved   
\_\_\_\_\_  
Governor

Date 1 APRIL 2016